IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 25414 of 2007(A)

PETITIONER:

B. PANKAJA KUMARI, W/O.C.RAVEENDRAN,
PANKAJA BHAVAN, VALLAKKADAVU P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.BIJU BALAKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

3. THE TRIVANDRUM DEVELOPMENT AUTHORITY,
REPRESENTED BY ITS SECRETARY.

4. THE HIGH LEVEL COMMITTEE,
CAPITAL REGION DEVELOPMENT PROGRAMME(ROAD WIDENING
TRIDA OFFICE, THIRUVANANTHAPURAM, REPRESENTED BY
ITS CHAIRMAN.

5. THE CHIEF ENGINEER,
P.W.D. (ROADS AND BUILDINGS),THIRUVANANTHAPURAM.

6. DEPUTY COLLECTOR (L.A),
COLLECTORATE, THIRUVANANTHAPURAM.

BY GOVT.PLEADER L.G.SURESH BABU, R1, R2, R5, R6
K.A.JALEEL SC, TRIDA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

W.P.(C) No. 25414 of 2007

Dated this the 21st day of August 2007

JUDGMENT

Heard. Admitted. Government Pleader takes notice for respondent Nos. 1, 2, 5 and 6. The standing counsel takes notice for the respondents Nos. 3 &4. The writ petition itself is heard and disposed of.

2. This is the third writ petition the petitioner is filing before this court to avert the demolition of a portion of a building owned by her. She filed W.P.(C) No.16238 of 2007 for the very same relief and that writ petition was disposed on 30.05.2007. The petitioner was directed to file a representation before the Secretary, TRIDA. The Secretary was directed to place the same before the High Level Committee constituted for the purpose. I had also directed the the Secretary, TRIDA and the High Level Committee to take an action as expeditiously as possible within a specified time limit. But no action was taken by the TRIDA and the High Level Committee within the time fixed by this Court. A petition for extension of time was filed. The petition was allowed. Thereafter on 24-7-2007 a notice was issued by TRIDA to the petitioner directing her to appear at 3.30 pm on 27.07.2007 before the High Level Committee According to the petitioner she received the notice only on 27.7.2007 at 3.00 p.m Though the letter was dated 24.7.2007 the postal seal on the cover shows

that it was actually despatched only on 25.7.2007. The direction of this court was to make sincere effort and consider the grievances projected by the petitioner and take appropriate decision. The conduct of the TRIDA does not appear to be proper. The petitioner was not given breathing time. It is true that a notice was issued but the same is only an eyewash. So I have no other option but to quash the notice and direct the High Level Committee to hear and dispose of the petition dated 11-6-2007 filed by the petitioner on 11-6-2007 with due notice with sufficient time.

3. In the result, this writ petition is disposed of in the above terms. The dispossession of the petitioner will stand stayed till the TRIDA takes a decision.

K.PADMANABHAN NAIR, JUDGE

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